


- 
- Claim ~~77~~<sup>13</sup> The method of Claim ~~74~~<sup>10</sup> wherein said antihistamine is chlorpheniramine.
- Claim ~~78~~<sup>14</sup> The method of Claim ~~74~~<sup>10</sup> wherein said decongestant is pseudoephedrine.
- Claim ~~79~~<sup>15</sup> The method of Claim ~~74~~<sup>10</sup> wherein said decongestant is phenylpropanolamine.
- Claim ~~80~~<sup>16</sup> The method of Claim ~~74~~<sup>10</sup> wherein said dispensing container is a blister pack.
- Claim ~~81~~<sup>17</sup> The method of Claim ~~74~~<sup>10</sup> wherein said dispensing container incorporates bottles containing liquid medications.
- Claim ~~82~~<sup>18</sup> The method of Claim ~~74~~<sup>10</sup> wherein said dispensing container incorporates bottles containing solid medications. --

#### REMARKS

The Examiner has stated that proposed claims 37-49, which were submitted on November 1, 1999, are directed to "an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 1-36 were directed to a therapeutic medicament system, with the newly presented claims being directed to a container". Original claims 1-36 all required a container. See for example independent claim 1, limitation (d) and claim 19, limitation (f).

Even though we do not necessarily agree with the Examiner's position, newly submitted claims 65-73 are directed to a therapeutic regimen (system) and claims 74-82 are directed to a method for rhinitis treatment. Entry of the foregoing amendments and reconsideration of the subject application, as amended, is respectfully requested.

Claims 1-64 have been canceled without prejudice. Claims 65-82 are presented for consideration. These claims are supported by the specifications and do not add any new subject matter. It is believed that all of the claims as presented are allowable. The previous § 112 rejections

no longer apply. Similarly, the references cited by the Examiner do not anticipate or render obvious any of these claims.

Claims 65-82 all clearly include an inventive combination of a first non-sedating dosage unit which includes a nasal decongestant and a second dosage unit which does not include a nasal decongestant, but does include an antihistamine.

None of the references teach, describe or claim the present invention. Knudsen does not anticipate these claims. Knudsen specifically discloses and teaches the use of adrenaline-like (stimulating) decongestants in both the day and night dosage units. It is an object of the present invention to prevent insomnia and irritability by providing a non-stimulating dosage unit that is devoid of stimulating agents. Similarly, the Vilkov patent (Col. 6, line 35-example 1) teaches the use of pseudoephedrine (a stimulating decongestant) at morning and night. Further, Gwaltney (Col. 3, line 52) discloses topical phenylephrine and oral chlorpheniramine (sedating antihistamine) for use at 8 a.m., 4 p.m. and midnight. These references by themselves or in combination do not teach or suggest applicant's invention.

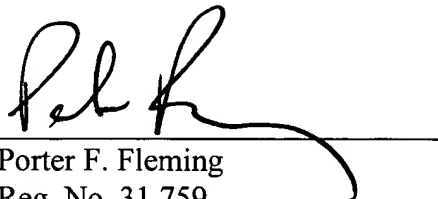
It is Applicant's belief that the previously filed petition to correct the inventions of this application pursuant to § 1.48 has been granted. Accordingly, the patent application should list only Robert E. Weinstein as the inventor. A terminal disclaimer directed to this application and Weinstein U.S. Patent No. 5,848,976 was filed on November 1, 1999.

Enclosed is a check for \$240 -- two additional independent claims in excess of three \$78 (\$39 x 2) and new claims \$162 (\$9 x 18). To the extent that there is a refund associated with the filing of claims 37-64 which were not accepted, Applicant requests a refund of the previously submitted \$390.

In view of the forgoing, withdrawal of all rejections, and further and favorable action, in the form of a Notice of Allowance, are believed to be in order, and such actions are earnestly solicited.

Dated: August 3, 2000

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Porter F. Fleming', is written over a horizontal line.

Porter F. Fleming  
Reg. No. 31,759  
Bickel & Brewer  
885 Third Avenue, Suite 3040  
New York, New York 10022  
(212) 489-1400